



Patent Application  
Attorney Docket No. PC11074A

11/10

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By

*Pamela C. Ancona*

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PS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: **Noe, et al.**

APPLICATION NO.: **10/047,592**

FILING DATE: **October 23, 2001**

TITLE: **Spiro Barbituates**

Examiner: J. Ford

Group Art Unit: 1624

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Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RESPONSE**

'In response to the February 26, 2003 Official Action, wherein the term for reply has been extended three (3) months by the accompanying Petition for Extension of Time, i.e., up to and including August 26, 2003, please enter the following remarks into the record of this application.

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 1, 2, 5, 8, 11 and 14-42 are pending and at issue.

**Rejection Under 35 U.S.C. § 112, ¶1, ¶2**

Claim 1 was rejected under 35 U.S.C. § 112, first and second paragraphs, because the Examiner argues that the terms "heterocyclyl" and "heteroaryl" are unclear. Briefly, the Examiner asserted that the term "heteroaryl" is not clear or specific and that the "reader must produce the heterocyclic ring, in question" (Office Action at 5). Moreover, he argues that "heteroaryl"

likewise, means many different things to different people. Some definitions of heterocyclic include B, P and As as hetero atoms. The USPTO does not consider those heterocyclic, and does not classify those patents as hetero rings. What applicants intend need be found in the claim.

Office Action at 6.